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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,289	02/24/2004	Yoshiyuki Fujita	26A-015	2273

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

MCCREARY, LEONARD

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,289

Applicant(s)

FUJITA ET AL.

Examiner

Leonard J. McCreary, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the first engaging portion being closer to the rim core than the bendable portion on the at least one of the spoke cores" (claim 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11-12, 14, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0043786 to Schultz. Schultz discloses a vehicle steering wheel comprising the following:

- a. A steering wheel for incorporating an air bag device, the steering wheel comprising: a steering wheel body including a core 20; an air bag module 12 attached to the steering wheel body; a metal plate 23 (column 4, lines 11-12) arranged in the air bag module facing towards the core; a first engaging portion 30 arranged on one of the core and the plate; and a second engaging portion 52 arranged on the other one of the core and the metal plate to resiliently engage the first engaging portion (claim 1.)
- b. A stabilizing mechanism for preventing the air bag module from chattering on the steering wheel body (column 3, lines 23-26) (claim 2.)
- c. The stabilizing mechanism includes an urging mechanism 56 for urging the metal plate away from the core.
- d. The first engaging portion is a hook 32 and the second engaging portion includes a resilient member 52 resiliently engageable with the hook, and wherein

the hook has a stopper 54 for preventing the hook and the resilient member from being disengaged (claim 11.)

e. The hook 32 has an engaging position where the resilient member 52 is held and a release position where the resilient member is disengaged from the hook, with the stopper 54 having a guide that uses the resiliency of the second engaging portion to guide the resilient member to the engaging position (claim 12.)

f. A lock mechanism including a spring 52 having a pivot shaft pivotally held by the first engaging portion 53 and a movable shaft extending parallel to the pivot shaft and being movable between an initial position and a lock position, wherein: the spring is held in a state in which the movable shaft is urged away from the pivot shaft; the second engaging portion 32 pivots the movable shaft about the pivot shaft to the lock position to be engaged with the first engaging portion when attaching the air bag module to the core; and the second engaging portion pivots the movable shaft about the pivot shaft from the lock position to the initial position to be disengaged from the first engaging portion when an external force separating the movable shaft from the lock position is applied to the movable shaft and the air bag module is moved in a direction in which the air bag module is removed from the core (claim 14.)

g. The first engaging portion 32 is a hook arranged on the core and the second engaging portion 53 is a catch arranged on the metal plate 23 and including a resilient member 23 resiliently engageable with the hook (claim 20.)

3. Claims 1,2,4,5 rejected under 35 U.S.C. 102(b) as being anticipated by US 5,692,770 to Scharboneau et al. Scharnoneau discloses a modular steering wheel and airbag configuration comprising the following:

- h. A steering wheel for incorporating an air bag device, the steering wheel comprising: a steering wheel body including a core 60; an air bag module 52 attached to the steering wheel body; a plate 112 arranged in the air bag module facing towards the core; a first engaging portion 130 arranged on one of the core and the plate; and a second engaging portion 128 arranged on the other one of the core and the metal plate to resiliently engage the first engaging portion (claim 1.)
- i. A stabilizing mechanism 128 for preventing the air bag module from chattering on the steering wheel body (claim 2.)
- j. The stabilizing mechanism includes an urging mechanism 128 for urging the plate so that at least part of the plate abuts against the core (column 10, lines 4-23) (claim 4.)
- k. The core includes an annular rim core 30, a boss core arranged in the center of the rim core 36, and a plurality of spoke cores 34 connecting the boss core to the rim core, with the urging mechanism 128 urging the plate 51 so that at least part of the plate abuts against one of the spoke cores (Fig. 2) (claim 5.)

Re claims 1, 4, and 5, Scharboneau discloses the claimed invention except he does not explicitly teach that the plate arranged in the airbag module is made of metal. It would

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have been obvious to one of ordinary skill in the art at the time of invention to use an airbag plate constructed of metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,244,230 to Komiya et al in view of US 5,692,770 to Scharboneau et al. Komiya discloses a steering wheel comprising an annular rim core 18, a boss core 12 arranged in the center of the rim core, and a plurality of spoke cores 16 connecting the boss core to the rim core, with at least one of the spoke cores having a bendable portion 36 that is bent when the rim core is displaced (Figs 2-4), and the first engaging portion being 28 closer to the rim core than the bendable portion on the at least one of the spoke cores (Fig. 1) (claim 13.) Komiya teaches a pad cover that moves with the displaced rim core, but he does not teach an airbag module. The teachings of Scharboneau are discussed above. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the steering wheel of Komiya having at least one bendable spoke to

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include an airbag module as taught by Scharboneau so as to optimally absorb the impact force generated when a driver's body impacts the steering wheel in a frontal collision (Komiya, column 1, lines 47-52.)

Allowable Subject Matter

6. Claims 6-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

I. US 6,783,150 to Ahlquist discloses a snap together mounting of an airbag module and a vehicle steering wheel comprising an airbag module and first and second engaging portions, at least one engaging portion resiliently engaging the other.

m. US 6,874,808 to Marath et al. discloses an apparatus for maintaining a uniform gap between an airbag module and its surrounding structure comprising a steering wheel, an airbag module, an airbag module place with an engagable hook member, and a hub core with a member resiliently engaging the hook member.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonard J. McCreary, Jr.
Examiner
Art Unit 3616



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600